

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-633V

Filed: March 9, 2022

UNPUBLISHED

BRIANA JENAY GABEL,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Master Horner

Order Concluding Proceedings;  
Vaccine Rule 21(a)

*Douglas Lee Burdette, Burdette Law, PLLC, North Bend, WA, for petitioner.  
Andrew Henning, U.S. Department of Justice, Washington, DC, for respondent.*

### **ORDER CONCLUDING PROCEEDINGS**<sup>1</sup>

On May 21, 2020, petitioner filed a petition for compensation under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34 (2012),<sup>2</sup> alleging that (ECF No. 1.) This case was initially assigned to Chief Special Master Corcoran for pre-assignment review. (ECF No. 4.) After the initial pre-assignment review order, petitioner was directed to file her necessary medical records and a statement of completion. (ECF No. 5.) Petitioner made her required filings on July 20 and August 20 of 2020.<sup>3</sup> (See ECF Nos. 6, 8, 10.) On November 23, 2020, this case was reassigned to Special Master Gowen. (ECF No. 16.)

<sup>1</sup> Because this decision contains a reasoned explanation for the special master's action in this case, it will be posted on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. See 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information the disclosure of which would constitute an unwarranted invasion of privacy. If the special master, upon review, agrees that the identified material fits within this definition, it will be redacted from public access.

<sup>2</sup> Within this order, all citation to § 300aa will be the relevant sections of the Vaccine Act at 42 U.S.C. § 300aa-10-34.

<sup>3</sup> These medical records were later stricken due to improper bates stamping and refiled on December 8, 2020. (See ECF Nos. 17, 22.)

This case was reassigned to my docket on January 29, 2021. (ECF No. 26.) Respondent then filed his Rule 4(c) report recommending against compensation on May 17, 2021. (ECF No. 32.) On March 7, 2022, petitioner filed a joint stipulation of dismissal explaining that “[t]he parties hereby stipulate pursuant to Vaccine Rule 21(a) that this action shall be dismissed without prejudice.” (ECF No. 39.)

Accordingly, pursuant to Vaccine Rule 21(a), this case is hereby **dismissed without prejudice**. The Clerk of the Court is hereby instructed that a **judgment shall not enter** in the instant case pursuant to Vaccine Rule 21(a).

**IT IS SO ORDERED.**

**s/Daniel T. Horner**  
Daniel T. Horner  
Special Master